

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
IN RE: WORLD TRADE CENTER LOWER  
MANHATTAN DISASTER SITE LITIGATION*Defendant*

Civil Action No. 21 MC 102 (AKH)

(If the action is pending in another district, state where: )

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: The Bank of New York Mellon Corporation as successor to The Bank of New York, Co., Inc.  
One Wall Street, New York, NY 10286

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Any work Trade-Winds Environmental Restoration, Inc. performed for The Bank of New York Company, Inc. in the rehabilitation, construction and cleanup of 100 Church Street, New York, NY 10007, for the period after 9/11/01

Place: COZEN O'CONNOR  
45 BROADWAY, 16th FLOOR  
NEW YORK, NY 10006

Date and Time:

08/30/2013 10:00 am

The deposition will be recorded by this method: STENOGRAPHICALLY AND VIDEOTAPE

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Any documents, contracts, work orders or other materials relevant to the work Trade-Winds Environmental Restoration, Inc. performed for the Bank of New York Company, Inc. in the rehabilitation, construction and cleanup of 100 Church Street, New York, NY 10007, for the period after September 11, 2001

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 7/19/13

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*\_\_\_\_\_  
*Attorney's signature*The name, address, e-mail, and telephone number of the attorney representing (name of party) TRC Engineers, Inc.

\_\_\_\_\_, who issues or requests this subpoena, are:  
Kevin C. Kessler, Esq., Cozen O'Connor 45 Broadway, 16th Floor, New York, NY 10006, (212) 509 - 9400